

# Patent infringement trial begins next Monday

The trial of Tektronix' oscilloscope patent infringement suit against the United States Government opens Monday, February 1, in the US Court of Claims in Washington, D.C.

Tek's claim against the US was filed March 2, 1961 in the US Court of Claims in which we charged the Government of encouraging the copy of our patented instruments on military contracts. Subsequently three suppliers, Hickok Electrical Instrument Co., Jetronics Industries and LaVoie Laboratories were brought into the case as third party defendants.

Robert F. Conrad of Washington, D.C. is Tek's attorney and

will handle our claim at the trial. The Department of Justice will represent the US Government. The third-party defendants, Hickok, Jetronics and LaVoie, will also be represented at the trial by their attorneys.

Teks attending the trial will be Jack Day, Patents & Licensing; Bill Webber, vice-president; and Jim Knapton, Instrument Engineering Digital Systems. Steve Blore, our patent attorney in Portland, will also attend.

Vice-president Bill Webber will be Tek's first witness, and Engineer Jim Knapton will be Tek's major witness. Tek's second witness will be Frank Sawonik, vice-president of Hickok. Tek has also

called witnesses from LaVoie Laboratories and Jetronics.

"We look forward with great interest to Sawonik's answers to direct questions about Hickok's alleged copying of our instruments," Bill Webber said.

Early in the trial, Tek will show the film, "The Oscilloscope Draws a Graph", to be sure that everyone involved has a better understanding of what the oscilloscope is and does.

The patent trial could last as long as three or four weeks. The US Court of Claims has set aside the entire month of February if needed for the trial.

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Jack Day, who left Wednesday for Washington, will also send information daily to Beaverton during the trial.

Tek's main objectives in the suit are three fold: (1) to call attention to the highly questionable ethics apparent in some areas of government procurement which encourage and condone copying of privately financed designs; (2) to illustrate the government often isn't getting the best value for its procurement dollar by only considering the item with the cheapest initial cost; and, (3) discourage the infringement of patents.

For background of Tek's patent suit, see Tekweek, June 12, 1964.

Next week's trial will not include discussion of the US Government's counter-claim against Tek, which is a separate issue. The Government claims that Tek has used government patents in producing our oscilloscopes.

Tek filed a motion for summary judgment last fall stating that the Government had no right to file the counter-claim. An answer to this motion was filed by the Department of Justice this week.

Mr. Conrad's office has been working two months on a reply to what was the government's expected answer. They reported that the government's answer brought no surprises so our reply can readily be filed within the 15-day time limit. The full Court of Claims will then hold a hearing on our motion, probably before their summer recess.



**TEK'S PATENT TRIAL** on February 1 was discussed this week by Attorney Bob Conrad (right) who will handle Tek's claim against the US Government, and Jim Castles, Tektronix general counsel.